

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

:

: 17 Cr. 697 (PAC)

- against -

:

: **ORDER**

BRIAN DOMINGUEZ

:

Defendant.

:

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HONORABLE PAUL A. CROTTY, United States District Judge:

Brian Dominguez is a 29-year-old inmate at the Metropolitan Correctional Center (“MCC”) in lower Manhattan. He moves *pro se* for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). Dkts. 57, 58. This Court cannot reach the merits of Dominguez’s motion, however, because he does not establish either that he “exhausted all administrative rights to appeal a failure of the Bureau of Prisons [(“BOP”)] to bring a motion” for compassionate release on his behalf, or that he registered a request for release with the warden of his facility. 18 U.S.C. § 3582(c)(1)(A). The Government reports that the BOP “has no record of any request for compassionate release by the defendant.” Dkt. 59, at 4. Because Dominguez has not fulfilled either of the two procedural avenues required by the statute, his motion is denied as premature without prejudice to its renewal. *See United States v. Kosic*, 18 Cr. 30 (PAC), 2020 WL 3100459, at *2 (S.D.N.Y. June 11, 2020).

CONCLUSION

Dominguez's *pro se* motion for compassionate release pursuant to 18 U.S.C. § 3582(c) (1)(A)(i) is denied as premature without prejudice to its renewal. The Clerk of the Court is directed to close the motions at Dockets Nos. 57 and 58.

Dated: New York, New York
June 22, 2020

SO ORDERED

A handwritten signature in black ink, appearing to read "Paul A. Crotty", is written over a horizontal line.

PAUL A. CROTTY
United States District Judge